

Adopt Saf-C 7300 to read as follows:

**CHAPTER Saf-C 7300 HOMELAND SECURITY EMERGENCY MANAGEMENT (HSEM)
EXCEPTIONAL DISASTER RELIEF LOANS**

PART Saf-C 7301 PURPOSE AND SCOPE

Saf-C 7301.01 Purpose. The purpose of these rules is to establish the administrative requirements for the application and approval of exceptional disaster loans available to local governments to assist with exceptional costs as the result of natural disasters under RSA 21-P:37-c.

Saf-C 7301.02 Scope. This chapter shall apply to all local governments who apply for a loan under the exceptional disaster loan program.

PART Saf-C 7302 DEFINITIONS

Saf-C 7302.01 “Allowable costs” means funds provided to local government to assist with exceptional costs due to the presidentially declared disaster identified in the Preliminary Damage Assessment (PDA) completed by the state and the Federal Emergency Management Agency (FEMA) for that particular disaster declaration.

Saf-C 7302.02 “Director” means the director of the NH department of safety, division of homeland security and emergency management.

Saf-C 7302.03 “Exceptional disaster relief loan” means a temporary loan from the state treasury to assist communities experiencing exceptional costs due to natural disasters.

Saf-C 7302.04 “Local government” means counties and parishes; municipalities, cities, towns, boroughs, and townships; local public authorities; school districts; intrastate districts; councils of governments; regional and interstate government entities; agencies or instrumentalities of local governments; state-recognized tribes; and special districts established under state law.

Saf-C 7302.05 “Natural disaster” means a natural event including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, fire, flood, or explosion, that caused damage of such severity that it is beyond the combined capabilities of state and local governments to respond.

Saf-C 7302.06 “Presidentially declared disaster” means that the severity of the damages incurred is beyond the combined capabilities of state and local governments to respond and the federal government will provide funds to assist with recovery efforts.

Saf-C 7302.07 “Preliminary damage assessment (PDA)” means an assessment of the impact and magnitude of damage as outlined in 44 USC § 206.33.

Saf-C 7302.08 “Request for public assistance (RPA)” means a request for assistance from the Department of Homeland Security, FEMA by an eligible entity as prescribed in 44 USC § 206.221(e).

Saf-C 7302.09 “State” means the state of New Hampshire.

Saf-C 7302.10 Unallowable Costs. Any work that is not described in the PDA completed by FEMA shall be deemed unallowable costs for the purpose of this loan.

PART Saf-C 7303 APPLICANT ELIGIBILITY

Saf-C 7303.01 Eligible Applicants. Entities eligible to apply for loans shall include local governments in the state of New Hampshire only.

PART Saf-C 7304 CONDITIONS FOR ELIGIBILITY FOR DISASTER LOAN

Saf-C 7304.01 Grant Conditions.

(a) Exceptional disaster loan funds pursuant to the exceptional disaster loan program shall support activities to assist local governments with exceptional costs so they are able to repair damages due to a presidentially declared disaster. The per-occurrence cost of a local government's critical disaster relief project or projects shall equal or exceed 25% of the amount raised by local property taxes in the local government's last annual budget.

(b) A local government shall not receive more than one exceptional disaster relief loan per declared federal disaster.

(c) A local government shall not be obligated by more than 2 exceptional disaster relief loans.

Saf-C 7304.02 Length of Loan.

A municipality in receipt of an exceptional disaster relief loan shall remit the anticipated FEMA assistance to the state treasurer within 15 days of its receipt.

Saf-C 7304.03 Application Process

(a) Applicants shall complete and submit form DSHSEM-100, "HSEM Exceptional Disaster Loan Application", edition 9/2019 to be considered for a loan.

(b) "HSEM Exceptional Disaster Loan Application", effective September 2019 may be found at the HSEM Resource Center: https://prd.blogs.nh.gov/dos/hsem/?page_id=6451.

(c) Applications shall only be submitted online via the HSEM Resource Center at the website identified in (b) above. Hard copies, emails, or facsimiles shall not be accepted.

(d) Completed applications shall be submitted via the HSEM Resource Center within 90 days from the Presidential disaster declaration.

(e) The local government's authorized official shall electronically sign the application.

(f) By electronically signing the application, the authorized official shall be deemed as having certified that the information provided on the application is true and correct.

Saf-C 7304.04 Loan Review Process.

(a) Within 30 days of receipt of an “HSEM Exceptional Disaster Loan Application”, the applicant shall be notified in writing of any errors or missing information on the application or any requests for additional information. The notice shall include information for how to contact HSEM with questions about the application.

(b) Within 60 days of receipt of a properly completed application, the applicant shall be sent notice that the application was granted or denied.

Saf-C 7304.05 Exceptional Disaster Loan Determination.

(a) The director of homeland security and emergency management shall administer the exceptional disaster relief loan program.

(b) Loan applicants who are approved for funding shall be notified in writing with the following information:

- (1) Amount of the loan;
- (2) Terms and conditions of the Exceptional Disaster Relief Loan Agreement;
- (3) Notice that recipient is subject to the administrative rules set forth herein;
- (4) Notice that the loan is contingent upon approval by the governor and executive council; and
- (5) The website address to view or print a copy of these rules.

PART Saf-C 7305 ADMINISTRATIVE REQUIREMENTS

Saf-C 7305.01 Loan Terms.

(a) If the state treasury provides advance funding to a local government that has applied for and is waiting for FEMA disaster relief funding, the interest rate to be assessed on such advance funding shall be no greater than the prevailing rate at which the state treasury is able to invest its commingled cash.

(b) If the amount of FEMA assistance a local government receives is less than the exceptional disaster relief loan, the state treasurer, with the advice and consent of the governor and council, shall negotiate terms of repayment of the difference. If the local government and the state treasurer are unable to reach an agreement, the department of revenue administration shall include the amount in the amount apportioned for setting property tax rates.

Saf-C 7305.02 Suspension or Termination of Loan. The director shall suspend or terminate the loan for filing false information affecting a local government’s eligibility for the loan in the application, a report, or document used in conjunction with this program.

Saf-C 7305.03 Recordkeeping.

(a) All loans recipients shall maintain detailed time and incident records related to activities funded by the exceptional disaster relief loan program, pursuant to these rules for a period of three years from the date of submission of the final expenditure report.

(b) All documentation related to the loan shall be made available to inspection and audit by a representative of the department upon request during the recipient's business hours, no later than the next business day.

APPENDIX

RULE NUMBER	STATUTE IMPLEMENTED
Saf-C 7301.01 – Saf-C 7301.02	RSA 21-G:9, II(b); RSA 541-A:7
Saf-C 7302.01 – Saf-C 7302.09	RSA 21-G:9, II(b), III; RSA 541-A:7
Saf-C 7303.01	RSA 21-P:37-c
Saf-C 7304.01 – Saf-C 7304.02	RSA 21-P:37-c, II – VII
Saf-C 7304.03 – Saf-C 7304.05	RSA 21-P:37-c, VII
Saf-C 7305.01 – Saf-C 7305.03	RSA 21-P:37-c, VII